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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,592	10/17/2005	Brent K. Hyde	L3440-319122	7458

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EXAMINER

ROSE, ROBERT A

ART UNIT	PAPER NUMBER
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3723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/553,592

Applicant(s)

HYDE ET AL.

Examiner

Robert Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6, 8, 9, 13-15, 18-22, 25, 26, 30-32 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 13, 15, 18-22, 25, 30-32 and 35 is/are allowed.
- 6) ☒ Claim(s) 3, 5, 6, 8, 9, 14, 26 and 36 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of Applicant's Amendment, filed April 17, 2007.
2. Claims 1-2, 7, 10-12, 16-17, 23-24, 27-29, 33-34, and 38-45 have been canceled.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5-6, 8, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of McCubbin. Gilbert discloses a tool honing guide and bevel setting jig for honing a tool comprising substantially all of the subject matter set forth in Applicant's claims above, except for the recitation of the tool being secured in the guide by drawing a tool securing bar toward the guide reference surface. Note guide(22b) comprising tool holder(20b,41b) and roller(30a); and jig(60a) for removable coupling to the guide to set the tool at selective sharpening angles. McCubbin discloses a tool honing guide having a tool secured in a guide by drawing a tool securing bar against the guide reference surface, and an adjustable stop to establish the extent of projection of the tool from the guide. To modify the tool in Gilbert by providing a draw bar for pulling the tool toward the guide reference surface, would have been obvious in view of McCubbin. With regard to claim 8, to further provide an adjustable stop on the jig to establish the projection distance of the tool for sharpening at the proper angle, would have been obvious in view of McCubbin.

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5. Claims 9, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of McCubbin and further in view of McLean. McLean discloses a honing guide for sharpening cutting tools at selectively adjustable sharpening angles, having means in the form of an eccentrically mounted roller and spring biased height adjustment means located on the roller axle, to selectively adjust the height of the roller axle and hence the sharpening angle of the tool holder. To provide such means for adjusting the angle of the tool holder in the device of Gilbert, to automatically present the tool holder at a predetermined angle for sharpening, and avoid errors inherent in manual adjustment to the proper angle, would have been obvious in view of McLean.

6. Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 4, 13, 15, 18-22, 25, 30-32, and 35 are allowed.

8. Applicant's arguments filed April 17, 2007 have been fully considered but they are not persuasive. Upon review of the prior art of record, Applicant's new limitation in independent claim 3, of the tool being secured in the tool guide by a draw bar, and in claim 8 of a repositionable stop, are deemed to be obvious features in view of McCubbin. With regard to claim 9, McLean is deemed to teach the use of an eccentrically mounted roller and spring biased height adjustment means located on the roller axle, to selectively adjust the height of the roller axle and hence the sharpening angle of the tool holder. To provide such means for adjusting the angle of the tool holder in the device of Gilbert, to automatically present the tool holder at a

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predetermined angle for sharpening, and avoid errors inherent in manual adjustment to the proper angle, would have been obvious in view of McLean.

9. In view of the new grounds of rejection not necessitated by Applicant's response, this action is not made final.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rr

April 23, 2007.

Robert Rose
Primary Examiner
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